

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Reid S. Willis on February 18, 2009.

IN THE CLAIMS –

Claim 2, page 2, line 2, after "phenol" **REPLACE** "." to --;--

Claim 2, page 10, line 21, after "benzenethol;" **DELETE** "and"

Claim 2, page 2, line 22, after "amine" **REPLACE** "." to --;--

Allowable Subject Matter

Claims 2 and 8 are allowed.

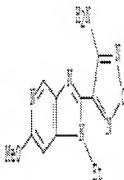
The following is an examiner's statement of reasons for allowance:

Claims 2 and 8 are patentable over Bailey et al., WO 2003080610, which includes the exemplified compound:

Art Unit: 1625

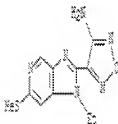
RN 607373-85-3

CN 1,2,5-Oxadiazol-3-amine, 4-{1-ethyl-6-methoxy-1H-imidazo[4,5-c]pyridin-2-yl}-



RN 607373-97-7

CN 1,2,5-Oxadiazol-3-amine, 4-{1-ethyl-6-(methylthio)-1H-imidazo[4,5-c]pyridin-2-yl}-



, which has a MeS and MeO substituted pyridin ring. At the position corresponding to MeS and MeO, the instant application requires that this position must be other than MeS or MeO. Therefore, the claims are free of prior art.

Any comments considered necessary by applicant must be submitted no late than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niloofar Rahmani whose telephone number is 571-272-4329. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres, can be reached on 571-272-0867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/NILOOFAR RAHMANI/

02/18/2009

/D. Margaret Seaman/
Primary Examiner, Art Unit 1625